

### **REMARKS**

Prior to entry of this paper, Claims 12-18 were pending. In this paper, Claim 12 is amended; no claims are cancelled or added. Claims 1-11 and 19-29 were previously withdrawn. Claims 12-18 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicant respectfully submits that each of the presently pending claims is in condition for allowance.

### **Claim Rejections – 35 USC § 103**

Claims 12, 13 and 18 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Gai et al. 6,697,360, Cisco (hereinafter, “Gai-Cisco”) in view of Oran et al., 6,204,084, Cisco (hereinafter “Oran-Cisco”). Claims 14 and 17 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Ullmann et al., IBM, 2002/0172222 (hereinafter, “Ullmann-IBM”). Claims 15 and 16 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Fuoco et al., 6,594,713, Texas Instruments (hereinafter, “Fuoco-Texas”). Applicant respectfully traverses these rejections. Even though Applicant traverses, in order to advance the prosecution of the application, Applicant has made clarifying amendments to Claim 12.

### **Claims 12, 13, and 18**

Regarding Claim 12, Applicant agrees with the Office Action that Gai-Cisco does not specifically mention a network element including a direct internet protocol module. Applicant, however, respectfully disagrees that Gai-Cisco, as asserted in the Office Action, teaches that the executable instructions of the management node when executed perform actions including broadcasting a broadcast frame including the unused IP address to the direct internet protocol module. The Office Action asserts that Gai-Cisco teaches the aforementioned recitation of Claim 12 at Col. 7, line 55-Col. 8, line 39, Col. 11, lines 13-30, and at Col. 6, lines 55-67.

Applicant fails to find in the aforementioned sections of Gai-Cisco, or anywhere else, that the server (for example, item 220 or 222 in Figure 2), which is purportedly analogous to the management node of the application and which assigns IP addresses to an intermediate device/switch (for example, item 210, 212, 214, or 216 in Figure 2), which is purportedly analogous to the network element of the application, broadcasts a broadcast frame including the unused IP address to the module included in the intermediate device/switch. Col. 8, lines 18-25 of Gai-Cisco clearly states that in order to obtain a router identification, the intermediate device/switch generates and broadcasts a DHCP-DISCOVER message from each of its interfaces (also see block 304, in Figure 3). Since Gai-Cisco fails to teach or suggest that the executable instructions of the management node when executed perform actions including broadcasting a broadcast frame including the unused IP address to the direct internet protocol module, Gai-Cisco cannot anticipate or render obvious amended Claim 12.

Further, Applicant respectfully disagrees with the Office Action that Oran-Cisco purportedly teaches a network element including a direct internet protocol module. Even though Oran-Cisco purportedly discloses the concept of handling direct internet protocol by a network element (PC host motherboard, item 22 in Figures 1 and 2), the network element does not include a direct internet protocol module. Since Oran-Cisco fails to teach or suggest a network element including a direct internet protocol module, Oran-Cisco cannot anticipate or render obvious amended Claim 12.

Accordingly, Applicant submits that whether or not Gai-Cisco and Oran-Cisco were combined, these prior art references do not teach, suggest, or describe, alone or in combination, the foregoing aspect of the invention recited in Claim 12. In this respect, the Office Action has failed to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully submits that Claim 12 is clearly allowable in view of the teachings of Gai-Cisco and Oran-Cisco taken alone or in combination.

Further, since Claims 13 and 18 depend from independent Claim 12, Claims 13 and 18 include all of the recitations of the base claim. Accordingly, Claims 13 and 18 are submitted to be allowable for at least the same reason that Claim 12 is allowable.

**Claims 14 and 17**

As noted above, the Office Action rejected Claims 14 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Ullmann-IBM. Since Claims 14 and 17 depend directly or indirectly from Claim 12, Claims 14 and 17 contain all of the limitations of the base claim. Since Ullmann-IBM does not make up for the deficiencies of Gai-Cisco and Oran-Cisco with respect to the base claim, i.e., Claim 12, Applicant submits that Claims 14 and 17 are not rejectable under 35 U.S.C. § 103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Ullmann-IBM and request that this rejection be withdrawn and Claims 14 and 17 be allowed.

**Claims 15 and 16**

As noted above, the Office Action rejected Claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Fuoco-Texas. Since Claims 15 and 16 depend directly or indirectly from Claim 12, Claims 15 and 16 contain all of the limitations of the base claim. Since Fuoco-Texas does not make up for the deficiencies of Gai-Cisco and Oran-Cisco with respect to the base claim, i.e., Claim 12, Applicant submits that Claims 15 and 16 are not rejectable under 35 U.S.C. § 103(a) as being unpatentable over Gai-Cisco and Oran-Cisco in view of Fuoco-Texas and request that this rejection be withdrawn and Claims 15 and 16 be allowed.

**CONCLUSION**

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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Respectfully submitted,

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